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Illienna Volynskaya
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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15

16 ILLIENNA VOLYNSKAYA,

17 Plaintiff,

18 vs.

19 EPICENTRIC, INC. HEALTH AND
WELFARE PLAN, an ERISA plan,

20 Defendant.
21

CASE NO.: CV-04-00839-SI

STIPULATION TO CONTINUE
HEARING DATE AND BRIEFING
SCHEDULE FOR PLAINTIFF'S
MOTIONS TO ALTER JUDGMENT
AND FOR ATTORNEYS' FEES;
[PROPOSED] ORDER THEREON

Current Hearing:

DATE: January 18, 2008
TIME: 9:00 a.m.
CTRM: 10

Complaint Filed: March 1, 2004

1 WHEREAS, on November 20, 2007, Plaintiff Illiena Volynskaya ("Plaintiff")
2 and Defendant Epicentric, Inc. Health and Welfare Plan ("Defendant") filed a
3 stipulation and proposed order to continue the hearing date for Plaintiff's motions to
4 alter or amend judgment and for attorneys' fees from December 21, 2007 to January
5 4, 2008 due to scheduling conflicts with counsel's calendars;

6
7 WHEREAS, on or about November 21, 2007, the Court approved Plaintiff and
8 Defendant's stipulation, but continued the hearing date to January 18, 2008 instead of
9 January 4, 2008 as requested, because the January 4, 2008 hearing date was no longer
10 available;

11
12 WHEREAS, on or about November 21, 2007, after receiving the order
13 continuing the hearing date to January 18, 2008, Defendant's counsel spoke with
14 District Judge Susan Illston's clerk and was informed that Judge Illston was no longer
15 available for hearings on January 4, 2008 and, as such, the hearing date was
16 scheduled for the next available date, January 18, 2008, as an alternative;

17
18 WHEREAS, a January 18, 2008 hearing date will be impossible for
19 Defendant's lead counsel because he has a trial in state court that is set to commence
20 on that same day;

21
22 WHEREAS, as of the date of lodging this stipulation with the Court, Judge
23 Illston's calendar is open on February 15, 2008.

24
25 NOW THEREFORE, the parties, by and through their respective counsel of
26 record, hereby stipulate and respectfully request the Court to continue the January 18,
27 2008 motion hearings, such that Plaintiff's motions may be heard on February 15,
28 2008 at 9:00 a.m. in Courtroom 10. The parties further stipulate to modify the

1 briefing schedule such that Defendants' opposition to the motions may be filed and
2 served on or before January 18, 2008, and Plaintiff's reply in support of the motions
3 may be filed and served on or before February 1, 2008.

4
5 IT IS SO STIPULATED.

6 DATED: December 10, 2007 LAW OFFICES OF CHARLES FLEISHMAN

7
8 By: /s/ Charles J. Fleishman (as authorized on
9 December 10, 2007)
10 CHARLES J. FLEISHMAN
11 Attorneys for Plaintiff
Illiana Volynskaya

12 DATED: December 10, 2007 BARGER & WOLEN LLP

13
14 By: /s/ Kathleen E. Dyer
15 ROBERT K. RENNER
16 KATHLEEN E. DYER
17 Attorneys for Defendant
Epicentric, Inc. Health and Welfare Plan,
18 an ERISA plan
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ORDER

Pursuant to the foregoing stipulation of the parties and for good cause shown, the January 18, 2008 hearing upon Plaintiff's motions to alter judgment and for attorneys' fees shall be and hereby is continued to February 15, 2008 at 9:00 a.m. in Courtroom 10.

Defendant's opposition to the motions shall be filed and served on or before January 18, 2008, and Plaintiff's reply in support of the motions shall be filed and served on or before February 1, 2008.

IT IS SO ORDERED.



DATED: _____

THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO**

3 I am employed in the City and County of San Francisco, State of California. I am over the
4 age of 18 and not a party to the within action; my business address is: Barger & Wolen LLP, 650
California Street, Ninth Floor, San Francisco, California 94108-2200.

5 On **December 10, 2007**, I served the foregoing document(s) described as

6 **STIPULATION TO CONTINUE HEARING DATE AND BRIEFING**
7 **SCHEDULE FOR PLAINTIFF'S MOTIONS TO ALTER JUDGMENT**
8 **AND FOR ATTORNEYS' FEES; [PROPOSED] ORDER THEREON**

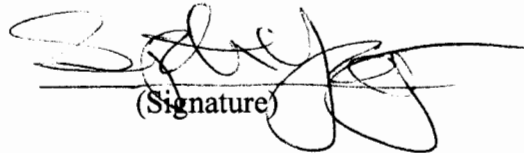
9 the interested parties in this action by causing it to be electronically filed using
the Court's Electronic Filing System which constitutes service of the filed document
on individual(s) listed below:

10 Charles J. Fleishman, Esq.
11 Law Offices of Charles J. Fleishman
12 8383 Wilshire Boulevard, Suite 1030
13 Beverly Hills, California 90211-2495
14 Telephone: (323) 653-9772
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Attorneys for Plaintiff
Illiena Volynskaya

15 **[X] (FEDERAL)** I declare that I am employed in the office of a member of the bar
16 of this Court at whose direction the service was made. Executed at San
17 Francisco, California on **December 10, 2007**.

18 NAME: Stephanie Young

19 
(Signature)